

EXHIBIT B

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION

ACTIVEPROSPECT, INC.,

Plaintiff,

v.

TECH PROSPER LLC a/k/a
COMPLIANT LEAD a/k/a
LEAD PROSPER and
DATA PROSPER, LLC,

Defendants.

Civil Action No. 6:22-cv-00525-ADA

JURY TRIAL DEMANDED

DECLARATION OF ALEXANDER WOLFE

I, Alexander Wolfe, declare as follows:

1. I am the Chief Technology Officer of ActiveProspect, Inc. (“ActiveProspect”) and a named inventor of United States Patent No. 10,614,417 (the “’417 Patent”). I submit this declaration in support of ActiveProspect’s Motion for Preliminary Injunction.

2. Unless otherwise indicated, I have personal knowledge of the facts contained in this declaration and, if called upon to do so, I could and would testify competently to the matter set forth herein.

3. This declaration includes facts known to me at the time of the declaration. I reserve the right to supplement or amend these statements in the future, including through testimony given at any hearing on ActiveProspect’s Motion for Preliminary Injunction, deposition, or trial.

A. Background and Experience

4. I have been a software engineer for over 20 years. For the past 17 years, I have focused entirely on the needs of companies operating in the lead generation and marketing space.

5. After graduating with a Bachelor of Arts in Economics, I began to teach myself coding and the design, building, delivery, and maintenance of production software systems. After graduation, I began to apply this knowledge in my first job as a network analyst for Sentinel Technologies. In 2000, I moved to Spirian Technologies where I served as Lead Software Developer. When Spirian was purchased by SecureInfo in 2003, I remained Lead Software Developer for Data Collection until I left in 2005.

6. In 2005, I joined the founding team at ActiveProspect. I was part of the team that initially developed TrustedForm, and I personally created large portions of the code that ran the initial version of TrustedForm.

7. Today, I serve as ActiveProspect's Chief Technology Officer. In that role, I supervise a team of over twenty-five engineers at ActiveProspect. My responsibilities include overseeing updates to our existing product line, ensuring our existing products are maintained, developing new products, and working with the senior leadership team at ActiveProspect.

8. Throughout my time as a software engineer, I have had deep involvement in designing and bringing to market software solutions that effectively address the real needs of businesses while remaining flexible enough to remain relevant over time. Many of these products have lived longer than a decade.

9. For example, I have built and lead teams that designed, built, delivered, and maintained at least eight individual web-based Software as a Service (SaaS) applications in the lead generation and marketing industry.

10. I have extensive experience in common Internet technologies like those used to build web sites, APIs, and single-page web applications such as JavaScript, HTTP, and HTML. Of those technologies, I specialize in Java, JavaScript, and Ruby.

B. Overview of TrustedForm and the '417 Patent

11. As an inventor of the '417 Patent and CTO of ActiveProspect, I am familiar with the subject matter and claimed invention of the '417 Patent, and I am familiar with the technical features and functionality of ActiveProspect's products, including TrustedForm, which is ActiveProspect's commercial embodiment of the '417 Patent.

12. TrustedForm works by deploying a proprietary script on the website of a lead seller. When a potential lead visits the webpage containing the TrustedForm script, the script automatically causes the web browser to take a series of actions: (1) the web browser sends a request to TrustedForm's server; (2) in response to that request, TrustedForm's server generates a unique "reference key," which it sends back to the web browser; (3) TrustedForm's server begins collecting information about the website and information regarding the potential lead; (4) TrustedForm's server associates this information with the previously generated "reference key" and stores this information.

13. The information collected by TrustedForm is displayed in a TrustedForm certificate (Figure 1).

**Certificate of Authenticity
for Web Leads**

Certificate ID: 588485520aa1923b2c4f59ddd95861be93630d3

This certificate was issued by TrustedForm.com from ActiveProspect, the independent Internet lead certification authority. It certifies the following information about this lead:

When did they visit?

Visit date:	May 5, 2022
Visit time:	10:48:57 AM CDT
Time on page:	16 seconds

Where did they visit?

Page URL:	https://activeprospect.com/products/trustedform-demos/
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Who visited?

Remote IP Address:	136.49.244.139
Geographic Location (Approximate):	Austin, Texas, United States
Browser:	Chrome 100.0.4896.127
Operating System:	Mac OS X 10.15.7

What did they see?

TrustedForm captures a copy of the web page viewed by the visitor and the user events that took place on the page including form inputs, mouse movements and clicks. It plays these events back as a screen capture of how the user interacted with the page.

[View Screen Capture](#)

Figure 1

14. ActiveProspect then stores the certificate for at least 72 hours. ActiveProspect's customers often wish to verify the leads they purchased have given consent to be contacted and, for that reason, will make a request to access the information collected on the certificate. When TrustedForm's server receives this second request, which contains the reference key, TrustedForm's server responds by sending a copy of the certificate to the customer, which they can then use to verify that the lead gave consent to be contacted. To make this process easy, most customers will use an API request to automatically request a copy of the certificate for each lead that is generated.

15. TrustedForm can also perform additional functions that are not relevant to this declaration, which is prepared only for the purpose of supporting ActiveProspect's Motion for Preliminary Injunction.

C. Visual Comparison of TrustedForm and Compliant Lead

16. I first became aware of Compliant Lead in 2022 when it was presented by Lead Prosper at the LeadsCon trade show in Las Vegas. I learned that Compliant Lead is advertised and offered for sale through a separate website, compliantlead.com. **Exhibit 1.**

17. Based on Lead Prosper's advertising claims at the trade show and information on the Compliant Lead website, Compliant Lead appeared to be a copy of TrustedForm.

18. As part of my investigation into the Compliant Lead product, I visited the Compliant Lead website at <https://www.compliantlead.com/demo> and obtained an example "Token of Authenticity" (Figure 2).

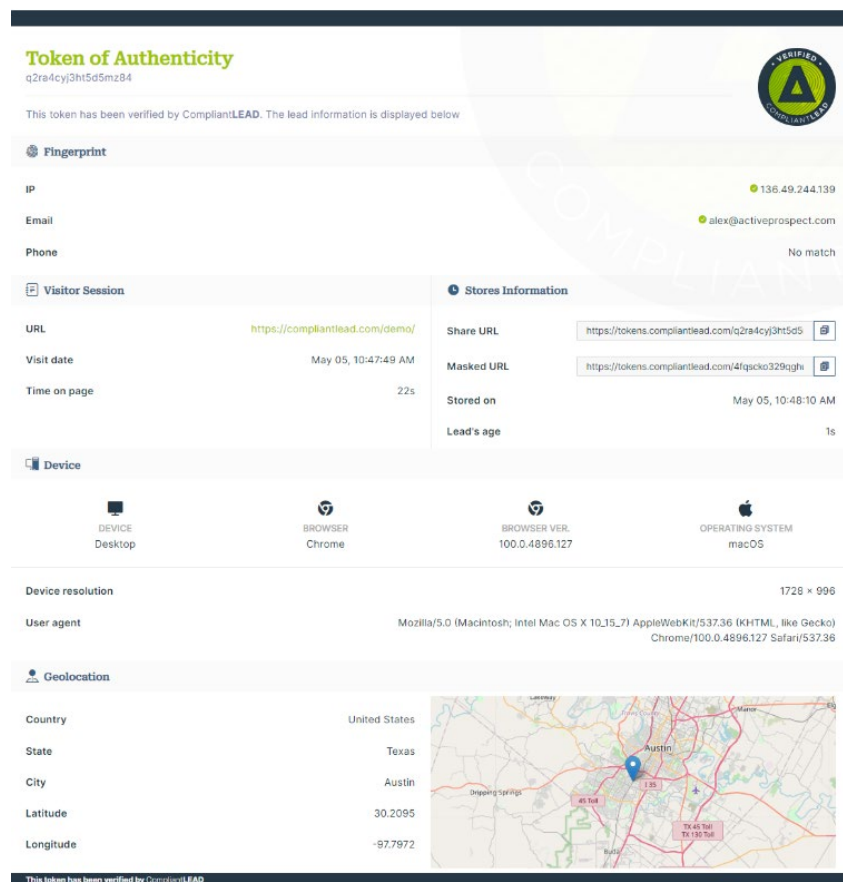


Figure 2

19. A comparison of the two certificates shows that both TrustedForm and Compliant Lead have similar appearances, which display the same information (Figure 3).

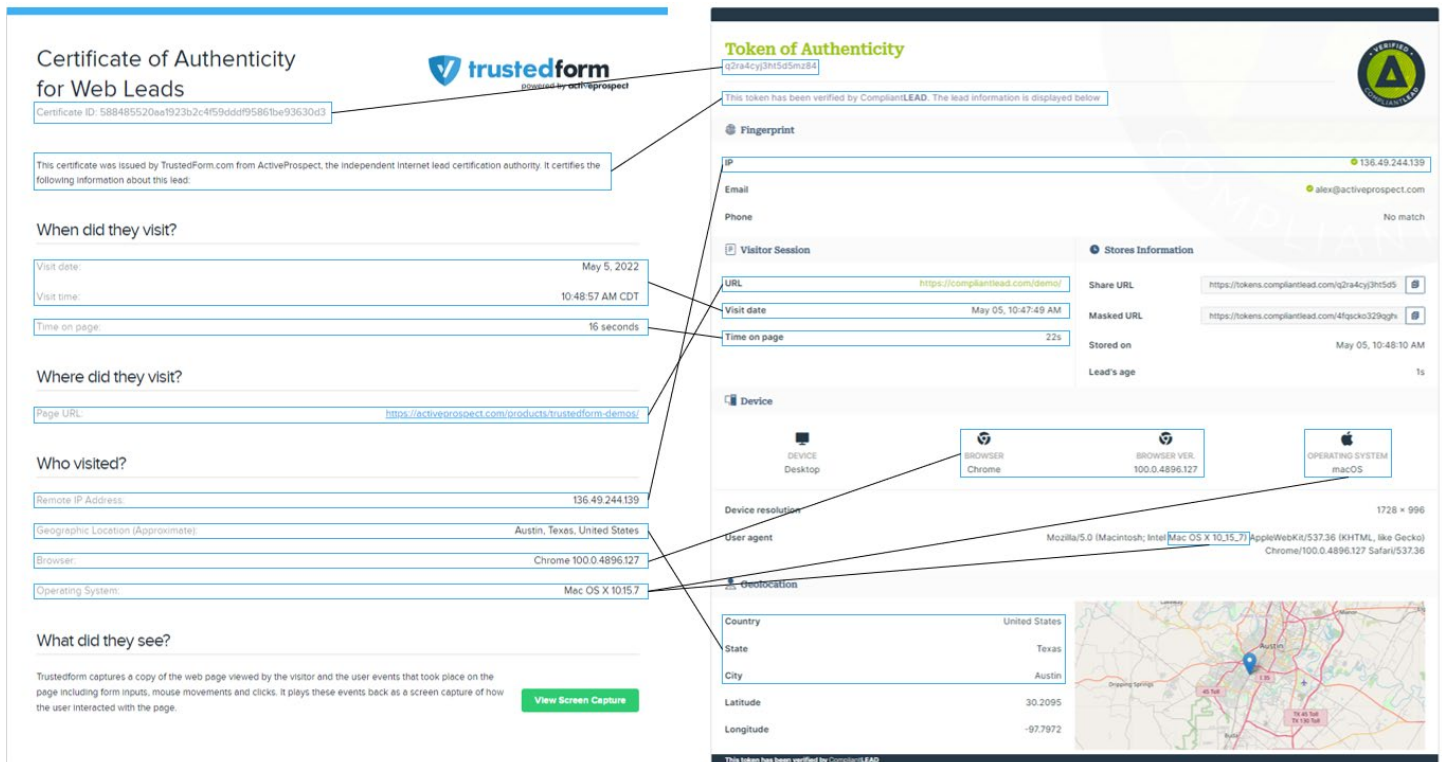


Figure 3

D. Analysis of Compliant Lead

20. I have performed a detailed analysis of the Compliant Lead product to determine that it contains the elements of claim 1 of the '417 Patent. For my analysis, I used a web browser to visit <https://www.compliantlead.com/demo>, a sample lead generation form that uses the Complaint Lead verification service script. Using my web browser, I was able to view the script that was operating on the page and capture information regarding the content and data being sent to and from the Compliant Lead server.

21. Based on my review of the Compliant Lead product, it is clear that it performs the method protected by at least claim 1 of the '417 Patent.

1. **Claim 1 – Element 1: receiving a first request at a lead verification server from a web browser in response to the web browser visiting a web page of a lead generating website and executing a lead verification service script, the lead generating website configured to collect lead data for a lead generator**
22. The Compliant Lead demo page located at <https://www.compliantlead.com/demo> is a sample lead generation form configured to use Compliant Lead's lead verification service script. When a web browser visits this web page, it reads the HTML of the page which, due to the contained configuration to use Compliant Lead's lead verification service, instructs the browser to load and execute the lead verification service JavaScript from <https://assets.compliantlead.com/record/cl.js> (Figure 4). When cl.js is executed by the web browser, it instructs the web browser to load and execute two additional JavaScripts from <https://assets.compliantlead.com/record/cl.bundle.js> and <https://assets.compliantlead.com/record/cl.worker.js> (Figure 5).

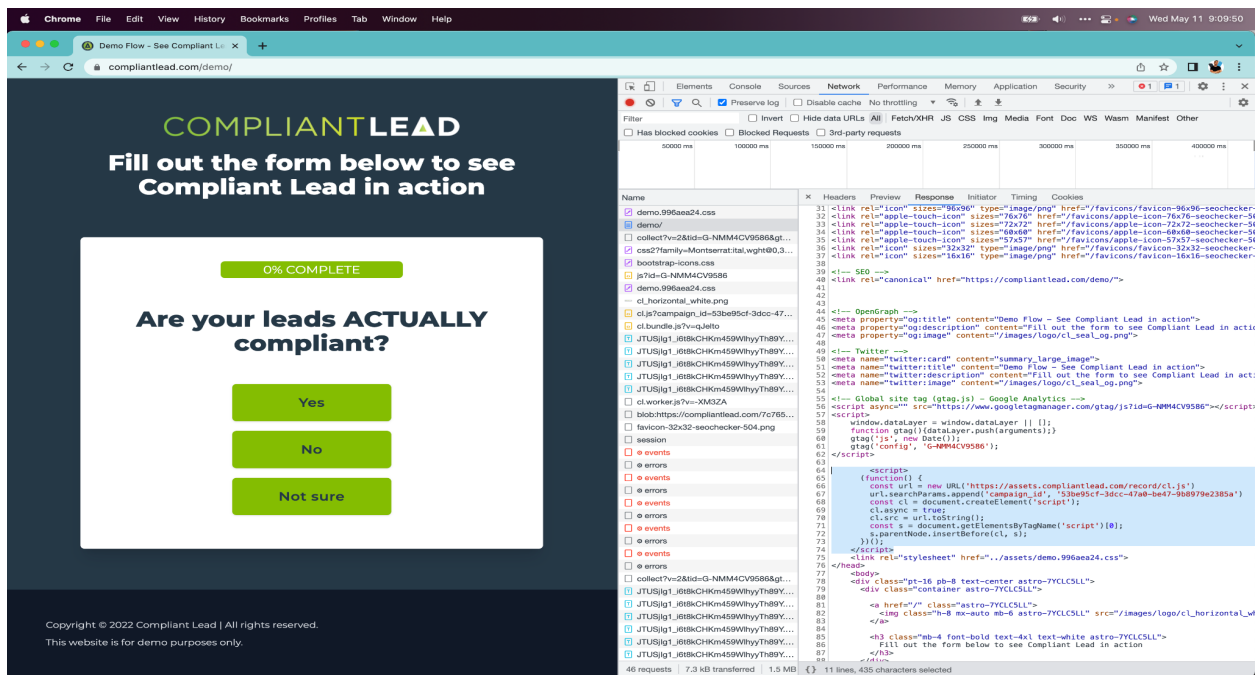


Figure 4

23. The JavaScript contained in `cl.bundle.js` is responsible for communicating with Compliant Lead's lead verification service located on a server at the `record.compliantlead.com` domain (Figure 6). The JavaScript communicates with the lead verification service in two ways: (1) `https://record.compliantlead.com/session` (Session Endpoint) generates the reference key (Token); and (2) `https://record.compliantlead.com/events` (Events Endpoint) records the HTML of the page, all of the interactions the user has with the web page, and changes in the HTML that occur during the user's visit to the web page (Figure 7).

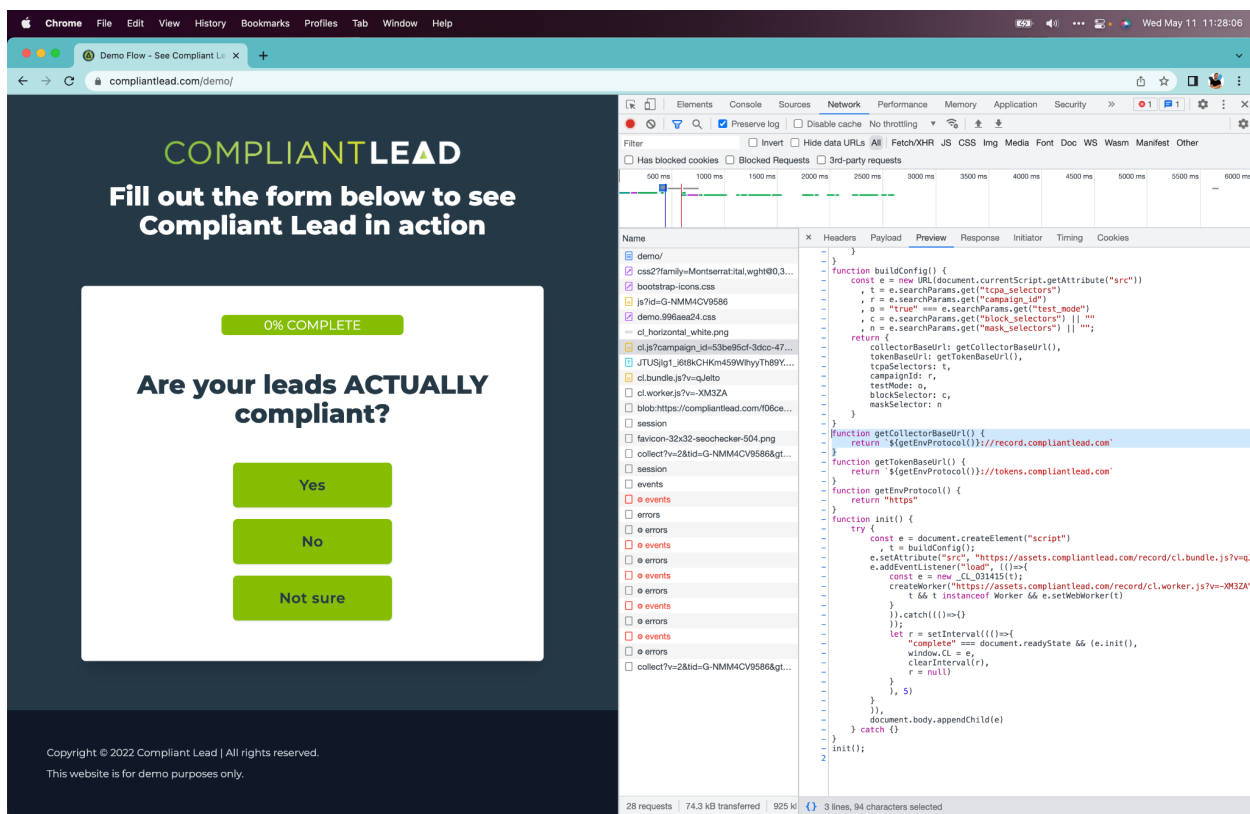


Figure 6

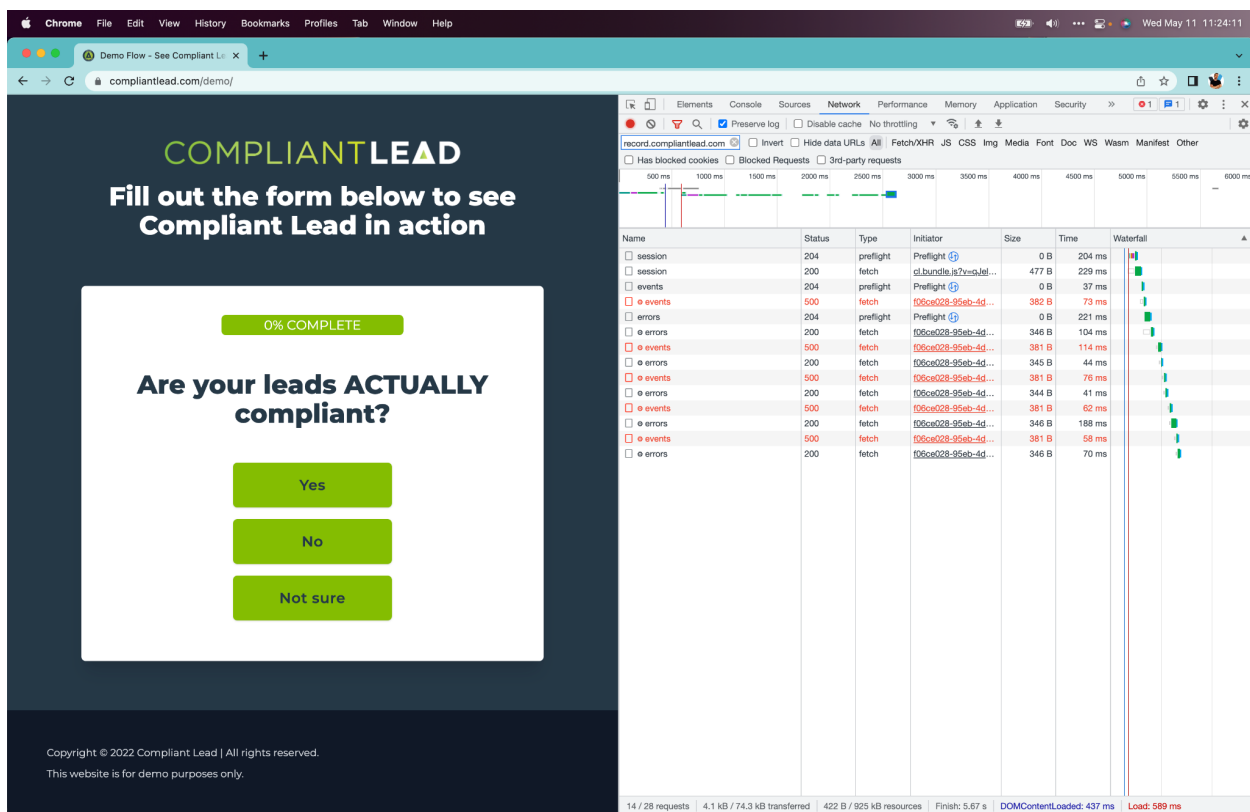


Figure 7

24. The lead verification service script (cl.bundle.js) makes a request for a reference key, which is received by the lead verification server, by calling the Session Endpoint (Figure 8).

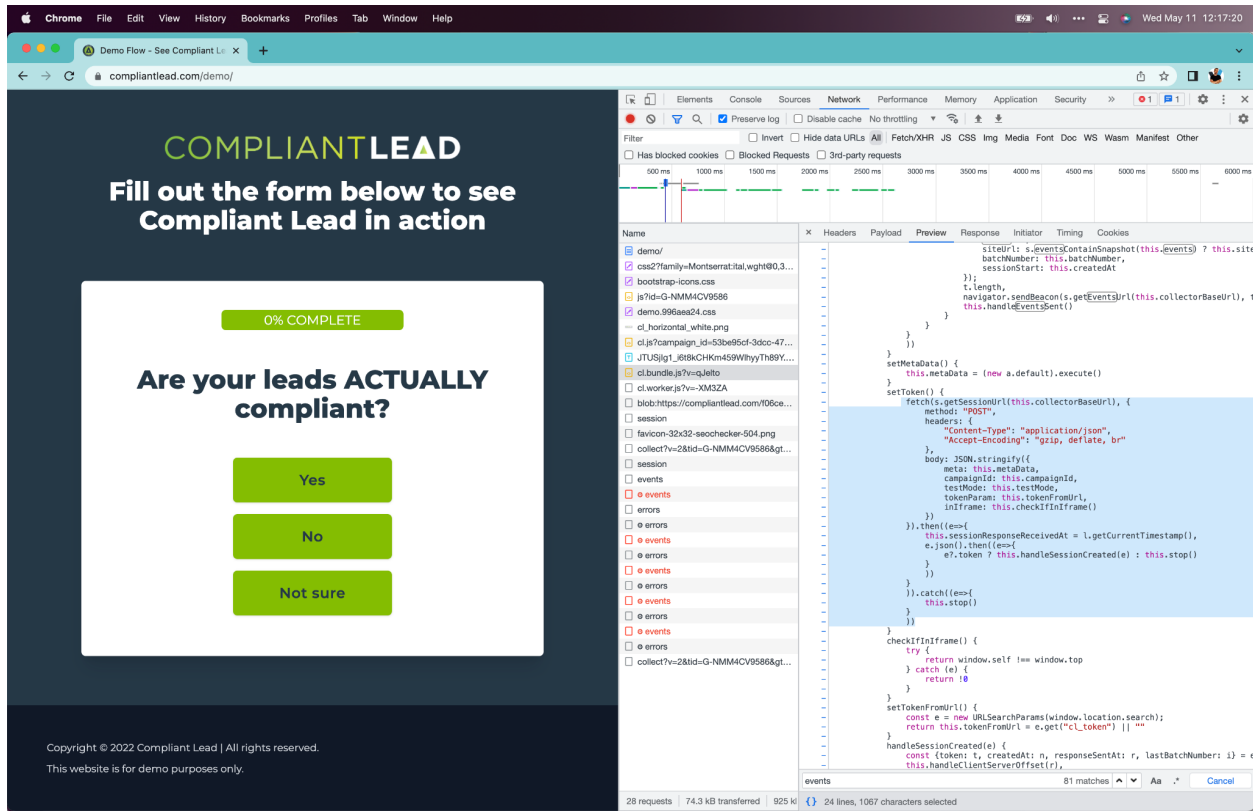


Figure 8

2. **Claim 1 – Element 2:** *responding to the first request at the lead verification server by sending a reference key to the web browser*

25. Compliant Lead's lead verification server sends the reference key (Token) in response to the lead verification service script (cl.bundle.js) by calling the Session Endpoint (Figure 8). The Session Endpoint responds by sending the reference key to the web browser (Figure 9).

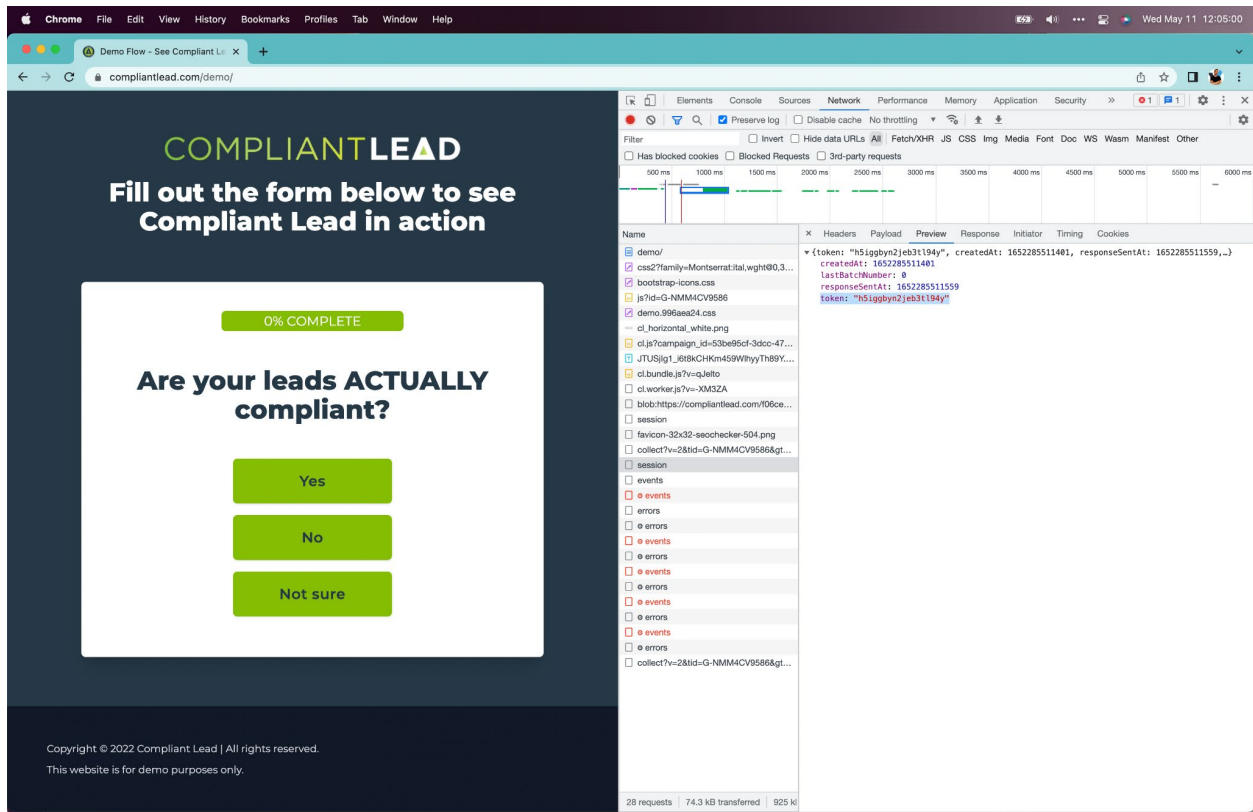


Figure 9

3. **Claim 1 – Element 3: collecting information about the lead generating website and information associated with a user of the web browser**
26. The JavaScript (cl.bundle.js) calls the Events Endpoint for the purpose of collecting information associated with the user’s visit to the page (Figure 10). Each call to that service contains a list of “events” that is specially encoded (Figure 11).

The screenshot shows a web browser with the URL compliantlead.com/demo/. The website has a dark blue header with navigation links: Home, About, Features, Pricing, Contact, and a 'Demo' button. The main content area has a dark blue background with the text 'COMPLIANTLEAD' in large, bold, white letters. Below this, it says 'Fill out the form below to see Compliant Lead in action'. There is a green button labeled '0% COMPLETE'. Below that, the question 'Are your leads ACTUALLY compliant?' is displayed in large, bold, white letters. Underneath the question are three green buttons: 'Yes', 'No', and 'Not sure'. At the bottom of the page, there is a footer with the text 'Copyright © 2022 Compliant Lead | All rights reserved. This website is for demo purposes only.'

On the right side of the browser, the Chrome DevTools network tab is open, showing a list of network requests. The 'Request Payload' for the 'events' request is expanded, showing a JSON object with the following data: `{ "token": "h5igbryn2jeb3t194y", "batchNumber": 1, "events": [{ "eventId": "eF9Kc125279f9f0bXtaqy6f1827315n123n3n2MiesW0RE5fWc5d1313171-gj90660025LkAS", "sessionId": "1652285511481", "siteUrl": "https://compliantlead.com/demo/", "token": "h5igbryn2jeb3t194y" }] }`. The 'events' array contains one event object.

27. By decoding the events collected and sent to the lead verification service, I can see that each event contains a representation of the HTML of the lead generating site, changes to that HTML as the user interacts with the web page through the browser, and all information entered by the user in the form inputs (Figure 12).

```
[
  {
    type: 'Meta',
    data: { href: 'https://compliantlead.com/demo/', width: 1728, height: 414 },
    timestamp: 1651789905257
  }, {
    type: 'Custom',
    data: {
      tag: 'PAGE_TEXT',
      payload: { text: '\n          Fill out the form below to see Compliant Lead in action\n          ' }
    },
    timestamp: 1651789905259
  }, {
    type: 'Custom',
    data: { tag: 'PAGE_TEXT', payload: { text: '0% COMPLETE' } },
    timestamp: 1651789905259
  }, {
    type: 'Custom',
    data: {
      tag: 'PAGE_TEXT',
      payload: { text: '\n          Are your Leads ACTUALLY compliant?\n          ' }
    },
    timestamp: 1651789905259
  }, {
    type: 'Custom',
    data: { tag: 'PAGE_TEXT', payload: { text: '\n          Yes\n          ' } },
    timestamp: 1651789905259
  }, {
    type: 'Custom',
    data: { tag: 'PAGE_TEXT', payload: { text: '\n          No\n          ' } },
    timestamp: 1651789905259
  }, {
    type: 'Custom',
    data: { tag: 'PAGE_TEXT', payload: { text: '\n          Not sure\n          ' } },
    timestamp: 1651789905259
  }, {
    type: 'Custom',
    data: { tag: 'PAGE_TEXT', payload: { text: 'Copyright © 2022 Compliant Lead | All rights reserved.' } },
    timestamp: 1651789905261
  }, {
    type: 'Custom',
    data: { tag: 'PAGE_TEXT', payload: { text: 'This website is for demo purposes only.' } },
    timestamp: 1651789905261
  }, {
    type: 'FullSnapshot',
    data: {
      node: {
        type: 'DomContentLoaded',
        childNodes: [ { type: 'Load', name: 'html', publicId: '', systemId: '', id: 2 }, {
          type: 'FullSnapshot',
          tagName: 'html',
          attributes: { lang: 'en', class: 'astra-7YCIIC5II' }
        }
      ]
    }
  }
]
```

Figure 12

4. Claim 1 – Element 4: associating the collected information with the reference key

28. In response to the Token being sent to the web browser by the Session Endpoint (Figure 8), the lead verification script (cl.bundle.js) retains the Token (i.e., h5iggbyn2jeb3tl94y) for the purpose of associating it to the collected information (Figure 13). When the collected information is sent to the Events Endpoint by the lead verification script (cl.bundle.js) (Figure 14), the Token (i.e., h5iggbyn2jeb3tl94y) is associated with the collected information (Figure 15).

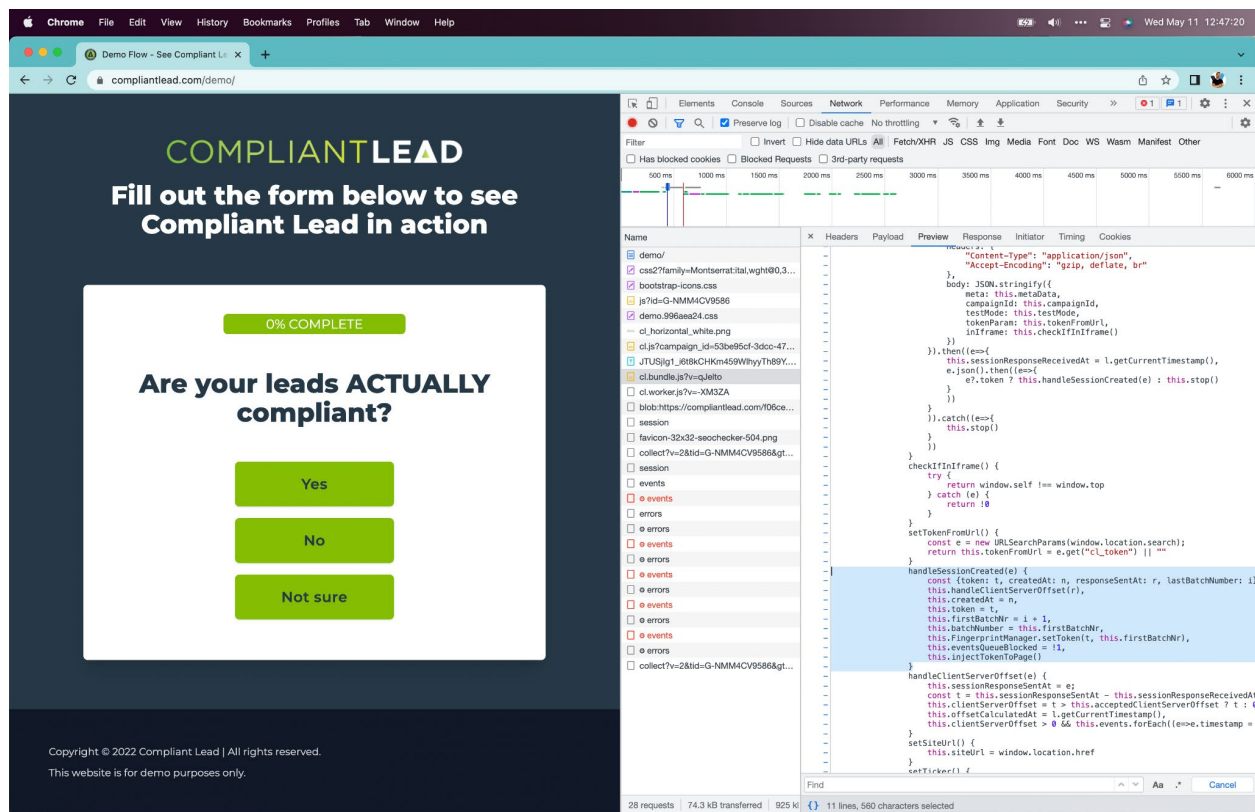


Figure 13

The screenshot shows a web browser with the URL compliantlead.com/demo/. The website has a dark blue header with navigation links: Home, About, Features, Pricing, Contact, and a 'Demo' button. The main content area has a dark blue background with the text 'COMPLIANTLEAD' in large, bold, white letters. Below this, it says 'Fill out the form below to see Compliant Lead in action'. There is a green button labeled '0% COMPLETE'. The form asks 'Are your leads ACTUALLY compliant?' with three green buttons: 'Yes', 'No', and 'Not sure'. The footer contains copyright information: 'Copyright © 2022 Compliant Lead | All rights reserved. This website is for demo purposes only.'

The Chrome DevTools network tab is open, showing a list of requests. The 'demo/' request is selected, and its payload is visible. The payload is a JSON object with the following structure:

```

{
  "token": "h5igbryn2jeb3t194y",
  "batchNumber": 1,
  "events": [
    {
      "event": "f7NK12527YRfV0xTaqagf61827315n123n3xn2M4esAREESfVwL5d1J5T371t+gJ00K6H25L5KAS",
      "sessionId": "1652285511481",
      "siteUrl": "https://compliantlead.com/demo/"
    }
  ],
  "token": "h5igbryn2jeb3t194y"
}

```


5. **Claim 1 – Element 5: receiving, from an interested third party that is separate from the lead generating website and the lead generator after the interested third party receives the lead data and the reference key from the lead generator, a second request for verification of the lead data, the second request including the reference key**

29. When the user submits the form on the web page, the Token accompanies the information collected on the form in a hidden form field named “cl_token_url” (Figure 16).

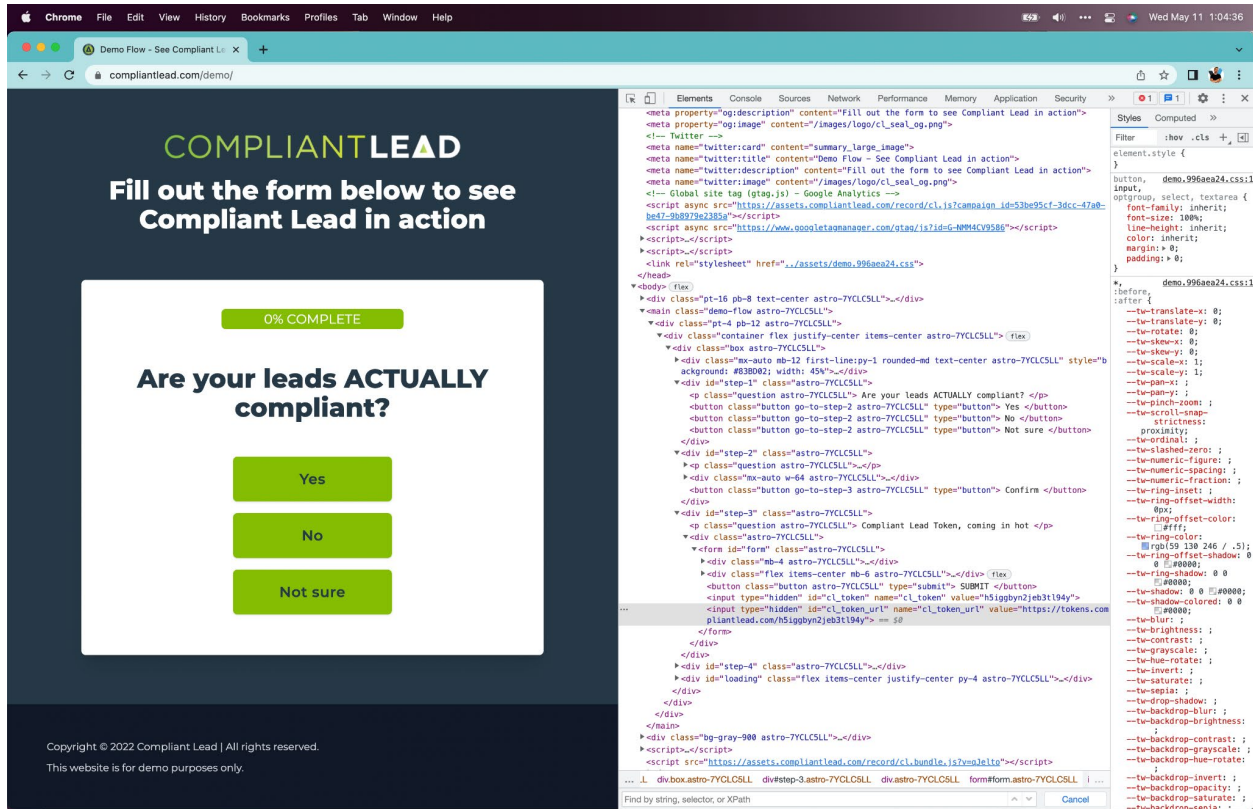


Figure 16

30. An interested third party receiving the lead data and the Token URL can then click on that URL to view the Compliant Lead “Token of Authenticity” record that shows all the collected information (Figure 17). Like all website interactions, when the user inputs the URL into their browser, the web browser sends a request for the HTML text associated with that specific URL to Compliant Lead’s server.

31. This capability is further described in the Compliant Lead Terms and Conditions document published at <https://compliantlead.com/terms/> (Figure 18).

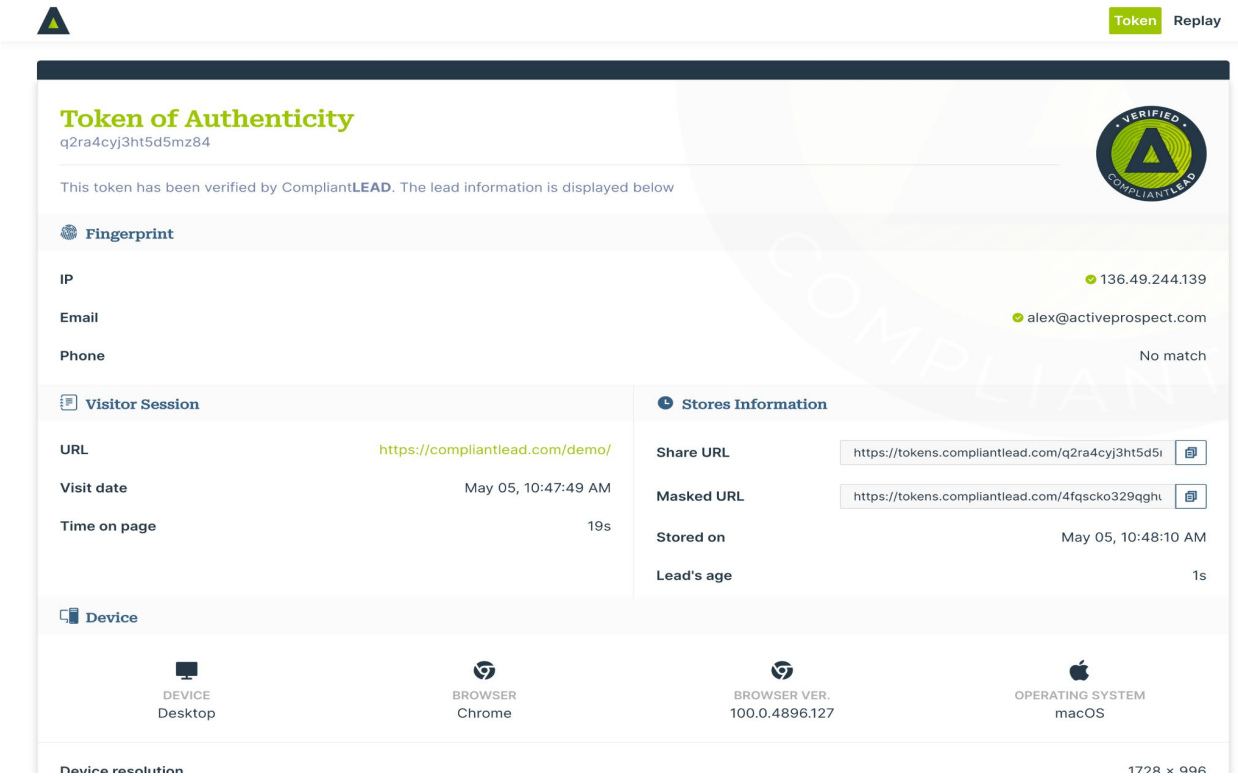


Figure 17

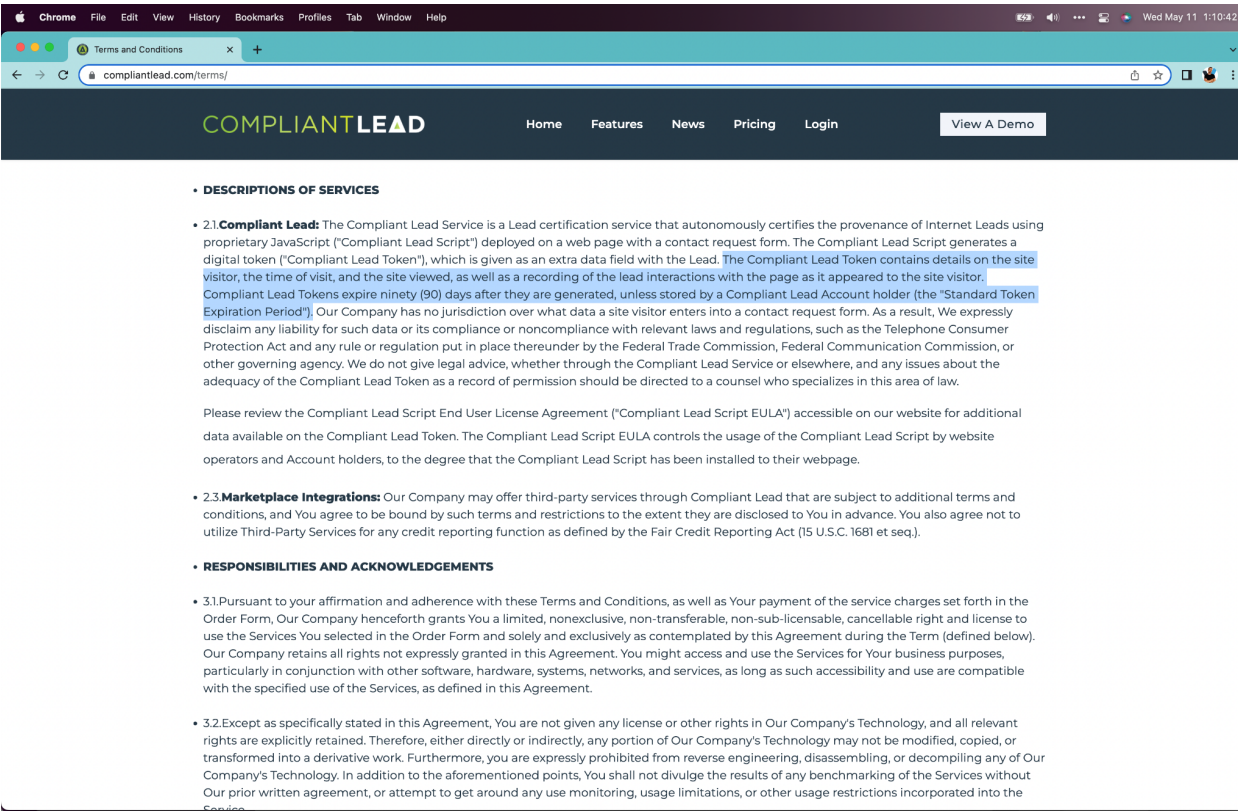


Figure 18

6. Claim 1 – Element 6: *in response to the second request, sending at least some of the collected information to the interested third party*

32. The Token URL, which is submitted with the form (Figure 16) to the interested third party, sends collected information to the interested third party by way of visual display in the third party's web browser when requested by the interested third party (Figure 17).

E. Additional Findings


33. While reviewing Compliant Lead's lead verification script, I discovered several references to TrustedForm by name. When I investigated these portions of the script, I determined that Compliant Lead uses the TrustedForm Certificate URL as part of its "fingerprinting" feature.

34. I discovered that when an interested third party receives a Compliant Lead Token along with lead information submitted on a form, the interested third party can programmatically verify that the Compliant Lead Token was collected with that lead data. Specifically, when the interested third party sends a piece of lead information that corresponds to the consumer who filled out the page, the Compliant Lead service will tell the interested third party if that information matches information collected by Compliant Lead's script. This feature prevents nefarious website owners from passing Compliant Lead Tokens that were generated by a different consumer, maybe even on a different page or at a different time, than the lead data they are sending. This is the same as a feature that is offered by TrustedForm.

35. My review of Complaint Lead's lead verification script shows that Compliant Lead has also copied TrustedForm's "sensitive field flagging." As part of implementing the script, a user can define certain fields, like a social security number, as "sensitive." When this is done, TrustedForm will not collect this information about the user. Compliant Lead uses this same feature.

36. I declare under penalty of perjury that the statements made in this declaration are true and correct.

Executed on May 25, 2022 in Austin, Texas.



Alexander Wolfe